

# **TOWN OF DAVIE**

## **TOWN COUNCIL AGENDA REPORT**

**TO:** Mayor and Councilmembers

**FROM/PHONE:** Mark A. Kutney, AICP, Development Services Director/ (954) 797-1101  
Prepared by: Ingrid Allen, Planner II

**SUBJECT:** Industrial to Commercial Flex, FX 12-2-05 Sessa Danielle Plat/Linda Strutt Consulting, Inc./ Danielle, 4343 South State Road 7/ Generally located on the west side of State Road 7/US441 between Orange Drive and Oakes Road.

**AFFECTED DISTRICT:** District 1

**TITLE OF AGENDA ITEM:** A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE ALLOCATION OF INDUSTRIAL TO COMMERCIAL FLEX TO THE SESSA DANIELLE PLAT UNDER THE TWENTY (20) PERCENT INDUSTRIAL-TO-COMMERCIAL FLEXIBILITY RULE IN ACCORDANCE WITH THE BROWARD COUNTY LAND USE PLAN AND THE ADMINISTRATIVE RULES DOCUMENT: BROWARD COUNTY LAND USE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

### **REPORT IN BRIEF:**

This request is for the allocation of industrial-to-commercial flex to the proposed Sessa Danielle Plat (P 8-1-05) which has been submitted concurrently with this Flex application. The petitioner is requesting to allocate the 20% Industrial-to-Commercial flexibility rule so that the existing commercial use, a shopping center, can be considered in compliance with the permitted uses of the Future Land Use Element of the Town of Davie Comprehensive Plan.

The Flex request pertains to an existing shopping center and therefore the petitioner is not proposing new construction or the demolition of existing structures on the site.

**PREVIOUS ACTIONS:** None

**CONCURRENCES:** At the August 23, 2006 Planning and Zoning Board meeting, Mr. Stevens made a motion, seconded by Mr. Busey, to approve FX 12-2-05. (Motion carried 4-0).

**FISCAL IMPACT:** N/A

**RECOMMENDATION(S):** Staff finds the subject application complete and suitable for transmittal to Town Council for further consideration subject to the following condition:

1. Contingent upon approval of Plat application, P 8-1-05, submitted concurrently with Flex application.

**Attachment(s):** Resolution, Planning Report

RESOLUTION \_\_\_\_\_

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE ALLOCATION OF INDUSTRIAL TO COMMERCIAL FLEX TO THE SESSA DANIELLE PLAT UNDER THE TWENTY (20) PERCENT INDUSTRIAL-TO-COMMERCIAL FLEXIBILITY RULE IN ACCORDANCE WITH THE BROWARD COUNTY LAND USE PLAN AND THE ADMINISTRATIVE RULES DOCUMENT: BROWARD COUNTY LAND USE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Linda Strutt Consulting Inc. has submitted an application to the Town of Davie requesting Industrial-to-Commercial Flex to the 2.978 acre Sessa Danielle Plat; and

WHEREAS, allocating the 20% Industrial-to-Commercial Flexibility Rule will be consistent with the Broward County Land Use Plan and the Administrative Rules Document: Broward County Land Use Plan; and

WHEREAS, the Town of Davie desires to allocate 2.978 acres of its Industrial-to-Commercial Flex in Flexibility Zone 58 to the Sessa Danielle Plat; and

WHEREAS, the proposed allocation is in conformance with Town of Davie Comprehensive Plan and the Broward County Land Use Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. That the Town Council of the Town of Davie does hereby approve the allocation of 2.978 acres of its Industrial-to-Commercial Flex in Flexibility Zone 58, as granted by the Broward County Land Use Plan, to the Sessa Danielle Plat.

SECTION 2. If any section, subsection, sentence, clause, phrase, or portion of this Resolution is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this resolution.

SECTION 3. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2006

\_\_\_\_\_  
MAYOR/COUNCILMEMBER

Attest:

\_\_\_\_\_  
TOWN CLERK

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2006.

**Application:** FX 12-2-05 Sessa Danielle Plat  
**Exhibit "A"**

**Revisions:** 8/28/06  
**Original Report Date:** 8/8/06

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**TOWN OF DAVIE**  
**Development Services Department**  
**Planning and Zoning Division**  
*Staff Report and Recommendation*

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**Applicant Information**

<b><u>Owner:</u></b>		<b><u>Petitioner:</u></b>	
<b>Name:</b>	Joseph Danielle	<b>Name:</b>	Linda Strutt Consulting Inc.
<b>Address:</b>	4343 South State Road 7	<b>Address:</b>	227 Goolsby Blvd.
<b>City:</b>	Davie, FL 33314	<b>City:</b>	Deerfield Beach, FL 33442
<b>Phone:</b>	(954) 316-7557	<b>Phone:</b>	(954) 336-8870

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**Background Information**

**Date of Notification:** August 16, 2006      **Number of Notifications:** 17

**Application History:** None

**Application Request:** Flex allocation of the 2.978 acre proposed Sessa Danielle Plat  
**FROM:** Industrial **TO:** Commercial under the 20% Industrial to Commercial Flexibility Rule in accordance with the Broward County Land Use Plan and the Administrative Rules Document: Broward County Land Use Plan.

**Address/Location:** 4343 South State Road 7/Generally located on the west side of State Road 7/US441 between Orange Drive and Oakes Road

**Future Land Use**

**Plan Map Designations:** Industrial

**Existing Zoning:** B-3, Planned Business Center District

**Existing Use:** one-story shopping center

**Proposed Use:** one-story shopping center

**Gross Parcel Size:** 2.9778 acres (129,713 sq. ft.)

**Surrounding Future Land Use**

**Plan Map Designations:**

**North:** Industrial  
**South:** Industrial

**East:** Electrical Generation Facility (Unincorporated Area of Broward County)  
**West:** Industrial

**Surrounding Uses**

**North:** Salvage yard  
**South:** Office building  
**East:** Broward County Resource Recovery Site  
**West:** Vacant

**Surrounding Zoning:**

**North:** M-4, Hacienda Village  
**South:** M-4, Hacienda Village & M-1, Light Industrial District  
**East:** Broward County Resource Recovery Site  
**West:** M-1, Light Industrial District & M-3 Hacienda Village

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**Zoning History**

**Previous Requests:** The Site Plan, SP 9-8-96 Sessa Center, was approved by Town Council on December 18, 1996.

A Site Plan Modification, SP 12-8-98, revising landscaping was approved by Planning and Zoning on September 10, 1999.

The Plat, South Florida Warehousing II, was approved by Town Council on August 5, 1987 and was later recorded by the County in Book 138 of plats at page17 of the public records of Broward County, Florida.

The Plat, P 9-1-99 Sessa Danielle, was withdrawn by the applicant on July 17, 2000.

The Plat, 7-1-00 Sessa Danielle, was withdrawn by staff on May 6, 2002.

**Concurrent Requests:** The plat, P 8-1-05 Sessa Danielle Plat, for a 2.9778 acre parcel, restricted to 21,200 sq. ft. of commercial use.

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**Applicable Codes and Ordinances**

The SR7/441 Corridor Master Plan was approved by Town Council on September 7, 2005 (R-2005-236) as a vision for promoting economic vitality, aesthetic improvement, community redevelopment and safety in this industrial and commercial area of the Town.

§12-83 Conventional Nonresidential Development Standards, B-3, Planned Business Center District requires the following minimums: 43,560 square feet lot area, 150' lot frontage, 250' lot depth, 25' on setbacks, 50' on sides abutting residentially zoned, occupied or Land Use Plan-designated properties, 30% open space, 40% maximum building coverage, and 35' maximum height.

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## Comprehensive Plan Considerations

**Planning Area:** The subject property falls within Planning Area 6. Planning Area 6 includes lands located south of State Road 84, east of University Drive and north of Nova Drive, together with lands located east of the Florida Turnpike and west of State Road 7, south of State Road 84 and north of the south Town limits. The majority of this planning area is industrially zoned and land used plan designated. There are small commercial parcels along the State Road 7 corridor with one large retail center being located on the southeast corner of University Drive and State Road 84. Commercial flexibility has been applied to parcels on Nova Drive.

**Broward County Land Use Plan:** The subject site falls within Flexibility Zone 58, which has 476.7 acres of Industrial of which 20% or 95.34 acres have been allocated for Industrial-to-Commercial Flex. As of March 2, 2004, there are 87.48 acres remaining in this Flexibility Zone.

**Applicable Goals, Objectives & Policies:** *Future Land Use Plan, Goal 1:* Maintain a program of growth management that directs development to those areas which have in place, or are programmed to have in place, the land and water resources, fiscal abilities, and service capacity to accommodate growth in an environmentally and aesthetically acceptable manner.

*Future Land Use Plan, Objective 5: Consistency of Development with Comprehensive Plan, Policy 5-2:* The (re)zoning, (re)platting, and site planning of land shall be in compliance with the density ranges shown on the Davie Future Land Use Plan map and the applicable Future Land Use Designation provisions as contained in the Permitted Use portion of the Implementation Section.

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### Public Participation

The public participation process provides the ability for citizens of the Town of Davie to actively participate in the Town's development procedures. The petitioner conducted meetings with the public on January 19, 2006, and January 26, 2006. Attached is the applicant's Citizen Participation Report.

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### Application Details

The petitioner is not proposing new construction or the demolition of existing structures on the site and therefore the existing shopping will remain as is. However, the allocation of 2.978 acres of commercial flex is required under the 20% Industrial to Commercial Flexibility Rule in accordance with the Broward County Land Use Plan and the Administrative Rules Document: Broward County Land Use Plan.

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### Staff Analysis

The Future Land Use Element of the Town of Davie Comprehensive Plan designates the area covered by the proposed Sessa Danielle Plat for the uses permitted in the "Industrial" land use

category. The petitioners request to allocate the 20% Industrial-to-Commercial flexibility rule is so that the existing commercial use, a shopping center, can be considered in compliance with the permitted uses of the Future Land Use Element of the Town of Davie Comprehensive Plan.

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## Findings of Fact

### **Rezoning:**

#### **Section 12-307(A) (1):**

#### **The following findings of facts apply to the rezoning request:**

- (a) The proposed change is not contrary to the adopted comprehensive plan, as amended, or any element or portion thereof;

*The Town of Davie Future Land Use Plan identifies that commercial and retail business uses are permitted uses under the Industrial Land Use Category with the assignment of "commercial flexibility" as long as the total area of these uses does not consume more than 20 percent of the industrial land designated on the Davie Future Land Use Plan map within a flexibility zone, and as long as the location of these uses do not preclude or adversely affect the future use of surrounding areas for industrial uses. As of March 2, 2005, there are 87.48 acres remaining in this Flexibility Zone 58.*

- (b) The proposed change will not create an isolated zoning district unrelated and incompatible with adjacent and nearby districts;

*The existing zoning district of B-3, Planned Business Center District, will remain.*

- (c) Existing zoning district boundaries are logically drawn in relation to existing conditions on the property proposed for change;

*The existing zoning district boundaries are logically drawn as a commercial site plan was approved and constructed. However, under Broward County Land Use Plan when a project is entirely commercial within the Industrial land use category, commercial flex must be applied.*

- (d) The proposed change is not expected to adversely affect living conditions in the neighborhood;

*The allocation of the 20% Industrial-to-Commercial Flexibility Rule will allow the parcel to be in compliance with the permitted uses of the Town of Davie Future Land Use Plan and should not have a negative impact on the neighborhood being that there will be no changes to the existing shopping center.*

- (e) The proposed change should not create or excessively increase automobile and vehicular traffic congestion above that which would be anticipated with permitted intensities or densities of the underlying land use plan designation, or otherwise affect public safety;

*The flex application request applies to an existing shopping center. The petitioner is not proposing new construction or the demolition of existing structures on the site thereby the allocation of commercial flex should not create or excessively increase traffic congestion.*

- (f) The proposed change is not expected to adversely affect other property values;

*The allocation of the 20% Industrial-to-Commercial Flexibility Rule should not have a negative impact on the value of the adjacent properties because there is no change proposed to the existing use of the parcel, a shopping center.*

- (g) The proposed change will not be a deterrent to the improvement or development of other property in accord with existing regulations;

*Allocating the 20% Industrial-to-Commercial Flexibility Rule will not cause the adjoining property owners from continuing to utilize their property as it is now, or how it can be used.*

- (h) The proposed change does not constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public;

*Approval of this flex allocation request will not give the owner a unique benefit that harms the welfare of the general public. The request is consistent with the Future Land Use Plan of the Town of Davie Comprehensive Plan.*

- (i) There are substantial reasons why the property cannot be used without the utilization of flexibility rule.

*In order for the existing commercial use to be considered in compliance with the permitted uses of the effective Town of Davie Future Land Use Plan, the Town is required by the Broward County Planning Council to allocate the 20% Industrial-to-Commercial Flexibility Rule consistent with the Broward County Land Use Plan and the Administrative Rules Document: Broward County Land Use Plan.*

- (j) The proposed utilization of flexibility rule may be the most appropriate designation to enhance the Town's tax base given the site's location relative to the pattern of land use designations established on the future land use plan map, appropriate land use planning practice, and comprehensive plan policies directing land use location.

*The allocation of the 20% Industrial-to-Commercial Flexibility Rule will apply to an existing commercial use, a shopping center.*

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### **Staff Recommendation**

Staff finds the application complete and suitable for transmittal to the Planning and Zoning Board and Town Council for further consideration subject to the following condition:

1. Contingent upon approval of Plat application, P 8-1-05, submitted concurrently with Flex application.
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## **Planning and Zoning Board Recommendation**

At the August 23, 2006 Planning and Zoning Board meeting, Mr. Stevens made a motion, seconded by Mr. Busey, to approve. (Motion carried 4-0).

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## **Town Council Action**

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### **Exhibits**

1. Citizen Participation Report
2. Justification
3. Survey
4. Future Land Use Plan Map
5. Zoning and Aerial Map

Prepared by: \_\_\_\_\_

Reviewed by: \_\_\_\_\_

Citizen Participation Report  
Sessa Danielle Flex Application

1. A written summary of the results of the citizen participation effort prior to the first public meeting in which the application was heard.

Notices for the meeting were sent out to the public within 1,000' of the site as required by the Planning staff. In addition, several notices were delivered to the Planning Department for distribution to Town officials. Finally, a notice was posted on site at the location of the meeting several weeks prior to the scheduled meeting.

2. Dates and locations of all meetings where citizens were invited to discuss the applicant's proposal.

January 19, 2006	Public meeting located at 4343 South State Road 7 – 6:00 p.m.
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January 26, 2006	Public meeting located at 4343 South State Road 7 – 6:00 p.m.
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3. The names, dates and addresses, and number of people that participated in the process.

No members of the public attended the scheduled public participation meetings. Linda and Joseph Danielle, the property owners, were present at the meetings.

4. A written summary of the issues and/or concerns raised by residents...

The area property owners did not raise any concerns.

January 10, 2006

To Whom It May Concern:

**PUBLIC PARTICIPATION NOTICE  
FLEX ALLOCATION REQUEST  
4343 SOUTH STATE ROAD 7**

The property owners of 4343 South State Road 7 submitted an application requesting the allocation of flex acreage from industrial to commercial for the Sessa Danielle plat (please see attached location map). Consistent with the Town code, the owners have scheduled two public participation meetings to respond to questions regarding this application from surrounding property owners.

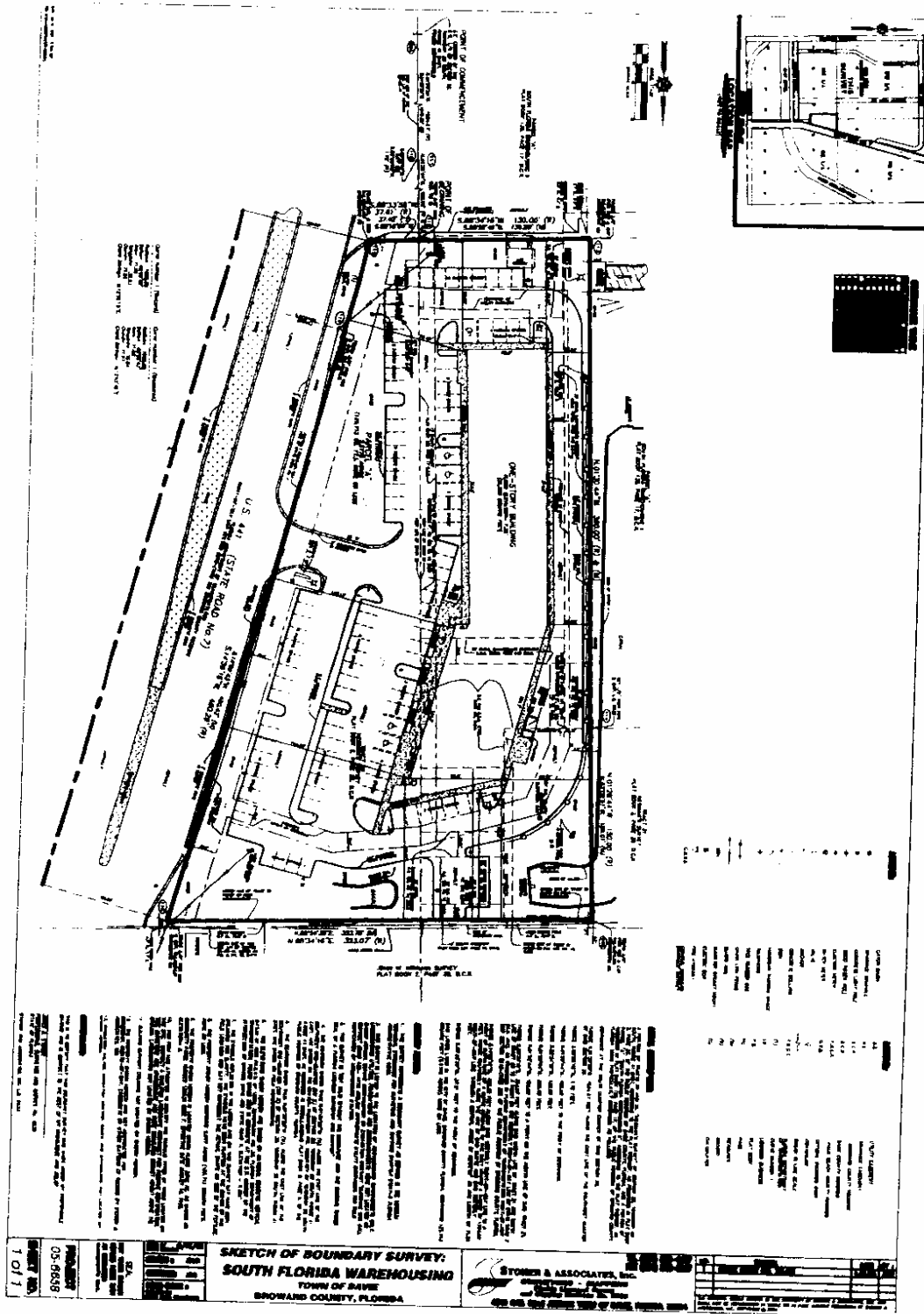
Essentially, this request is to correct an inconsistency between the existing commercial use (shopping center) and the future land use map which designates the site as Industrial which resulted from an oversight at the time of building permit and construction. There are currently no plans to redevelop the existing structure and the existing use on the property will remain the same if this application is approved.

As a property owner within 1,000 feet of the subject property, you are included in the Town's notice area and are hereby invited to attend the public meetings scheduled for this application. These meetings are scheduled for:

***January 19, 2006 @ 6:00 p.m. M & L Auto Wrecking 4343 S. State Road 7***  
***January 26, 2006 @ 6:00 p.m. M & L Auto Wrecking 4343 S. State Road 7***

Should you require additional information or have any questions regarding this letter, please contact Linda Connors at (954) 336-8870.

**Members of the Davie Town Council May be Present**



FOLIO	NAME LINE	NAME LINE1	ADDRESS LI	ADDRESS 1
504125010182	# 4126 INC		4126 SW 47TH AVE	FORT LAUDERDALE FL 33314-4007
504125010290	BENNETT, DAVID &	GRIFFIN COMMERCE CENTER	3300 N 29 AVE #101	HOLLYWOOD FL 33020
504125010314	BROWARD COUNTY COMMISSIONERS	GOVERNMENTAL CENTER	115 S ANDREWS AVE STE 409	FORT LAUDERDALE FL 33301-1801
504125010313	DANIELLE JOSEPH &	SESSA RALPH	4126 SW 47 AVE	FT LAUDERDALE FL 33314-4007
504125010090	DANIELLE LAWRENCE		4000 SW 47 AVE	DAVIE FL 33314
504125010178	DANIELLE MARIA TR	DANIELLE MICHAEL TR	6674 NW 113 WAY	PARKLAND FL 33076
504125030060	FLA POWER & LIGHT CO	ATTN: PROPERTY TAX DEPT-JLM	PO BOX 14000	JUNO BEACH FL 33408-0420
5041250140010	GRIFFIN COMMERCE CENTER INC		3300 N 29 AVE	HOLLYWOOD FL 33020
504125010180	HOWAR, ABRAHAM H		4201 S STATE ROAD 7	FT LAUDERDALE FL 33314
504125030040	MANCHAC, CHARLES		3318 COOLIDGE ST	HOLLYWOOD FL 33021
504125010300	MATROJO CORP	% BRUCE L STAMILE	13273 SW 40 ST	DAVIE FL 33330
504125190030	NEW TOWN HOLDINGS LLC	3001 W HALL ANDALE BCH BLVD	STE 300	PEMBROKE PARK FL 33009
504125210040	S & D RENTAL CORP		3328 SW 46 AVE	FT LAUDERDALE FL 33314
504125010175	SUPERMARKET SERVICES INC		4100 SW 47TH AVE	FORT LAUDERDALE FL 33314-4007
504125010281	TRI-COUNTY DEV GROUP INC	ATT: KERRY ROSENTHAL	4491 S STATE RD 7 PH 1	FT LAUDERDALE FL 33314-4048

Ken Cohen, Acting Town Administrator

Mayor Tom Truex

Vice Mayor Lisa Hubert

Councilmember Mike Crowley

Councilmember Susan Starkey

Councilmember Judy Paul

District 1

District 2

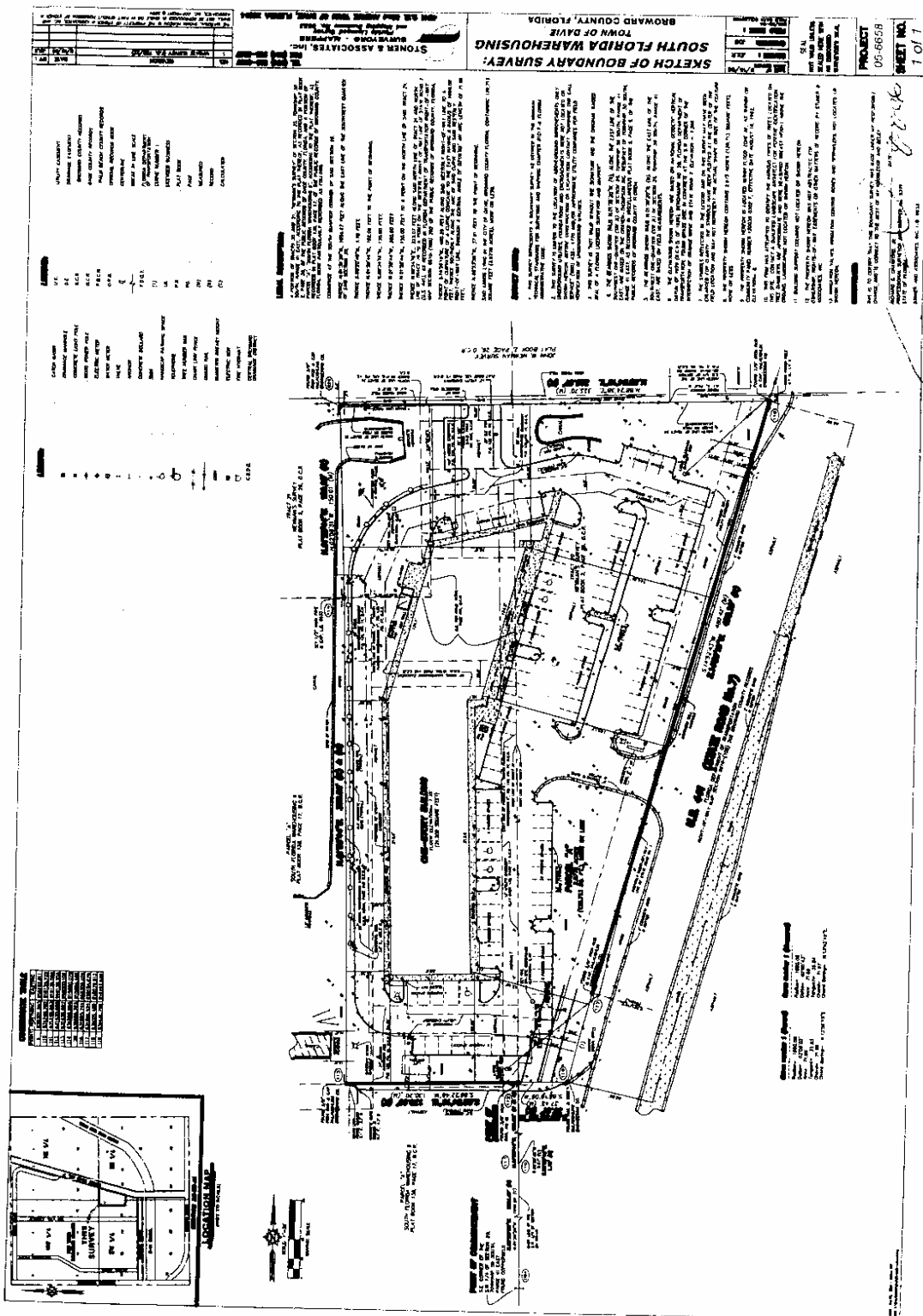
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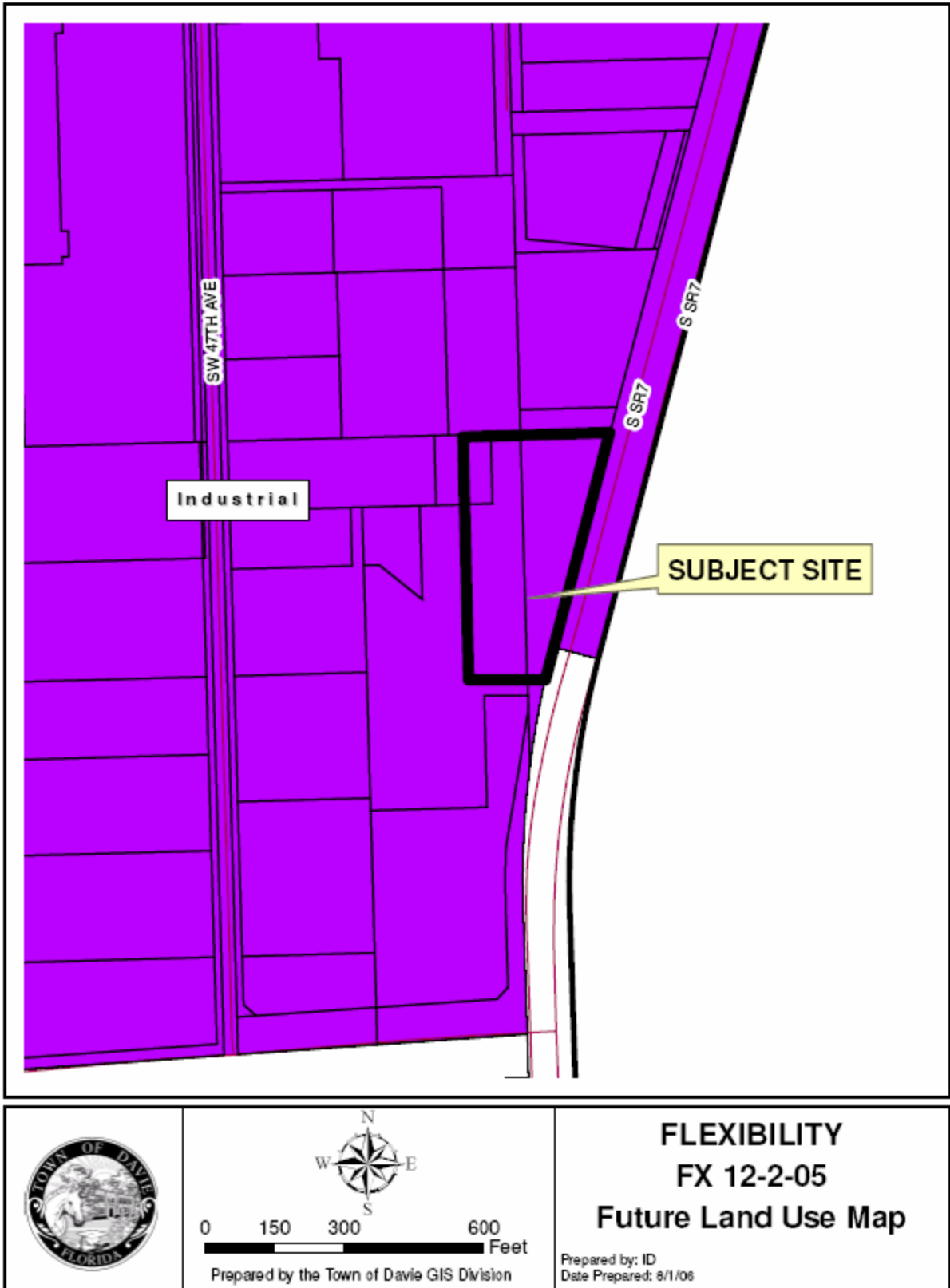
District 4

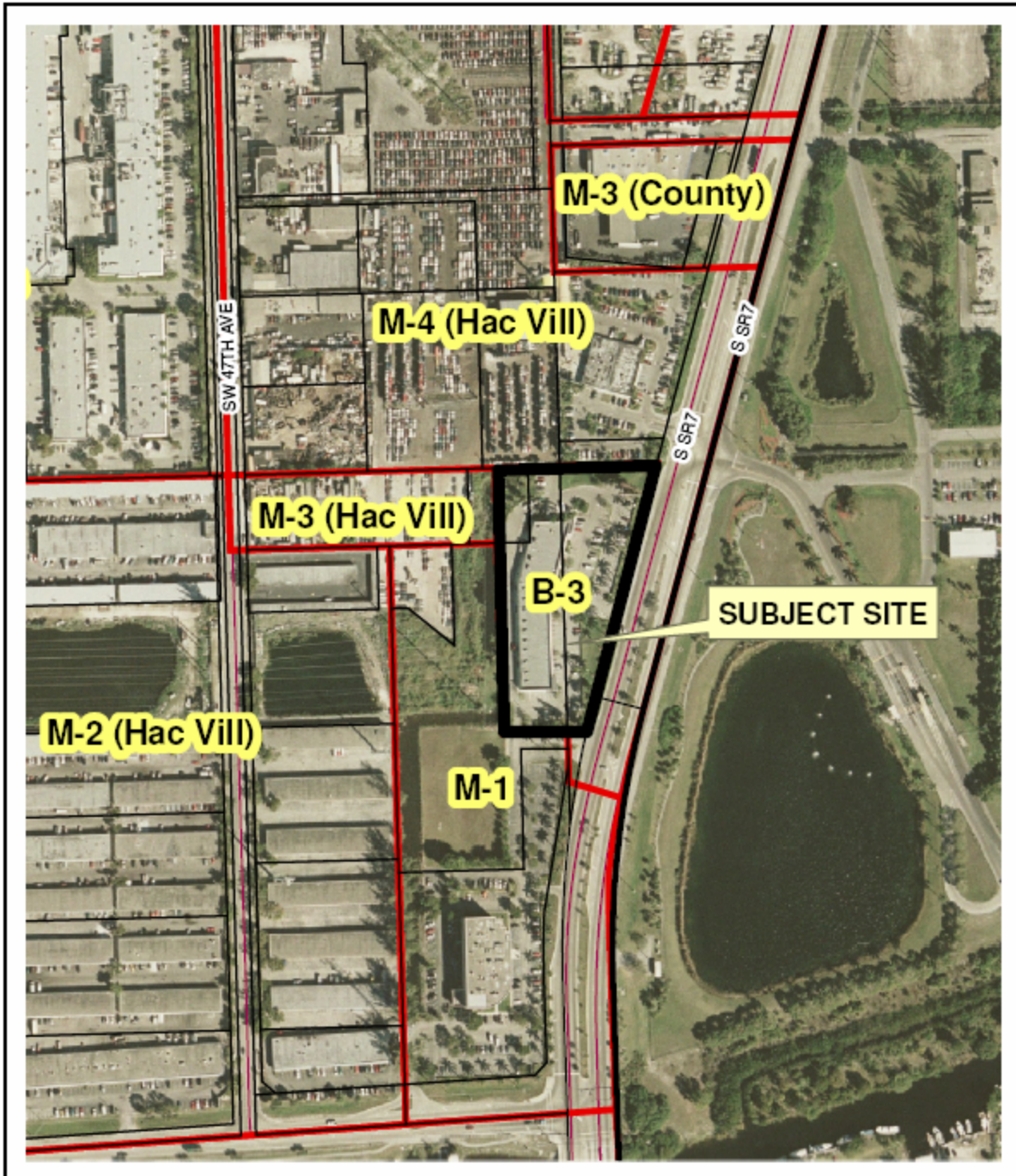
Sessa Danielle Plat  
Request for Flex from Industrial to Commercial

The proposed Sessa Danielle plat is a 2.978 parcel of land located on the west side of State Road 7 just north of Orange Drive. It includes a 21,200 square foot commercial building. The applicant submitted this plat to complete the City's requirements from the development of the Davie Town Plaza, which was constructed with Town approval several years ago. At this time, we are not proposing new construction or the demolition of existing structures at the site.

The applicant submitted the plat application to the County on September 1<sup>st</sup> so that their review would be concurrent with the Town's review. On December 6<sup>th</sup>, the County issued the Development Review Report for the plat. To comply with the County's comments, the applicant is requesting that the Town allocate the 20% Industrial-to-Commercial Flexibility Rule so that the project is consistent with the Town of Davie's Future Land Use Element. This will meet the requirements of the Broward County Planning Council and allow us to move forward with the platting of this property.







	<p>Date Flown: 12/2004</p> <p>0 150 300 600 Feet</p> <p>Prepared by the Town of Davie GIS Division</p>	<p><b>FLEXIBILITY</b> <b>FX 12-2-05</b> <b>Zoning and Aerial Map</b></p> <p>Prepared by: ID Date Prepared: 8/14/06</p>
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